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EXAMINER

MCALLISTER, STEVEN B

ART UNIT	PAPER NUMBER
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3627

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/582,122

Applicant(s)

ACH, ERNST

Examiner

Steven B. McAllister

Art Unit

3627

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 June 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-20 and 22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-20 and 22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

Claims 8-20 and 22 are objected to because of the following informalities: claim 8 recites that the "weight force of the drive, the cage and the counterweight is conducted to a shaft floor exclusively via the two pairs of guides", but in examining the specification the guides are attached to the wall via brackets. These brackets will absorb some degree of load due at least to friction in the brackets, and depending on the interpretation of "weight load" will absorb significant horizontal loads. It does not appear that a system providing exclusive transmission of the weight for to the floor via the rails is enabled or described in the specification. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 8, 10, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein (5944144).

Yoshikawa shows first parallel guides 15c comprising planar vertical flat beams which engage with the elevator car; and second and separate parallel guides 15d comprising a second set of vertical flat beams which engage with the counterweight; the sets of parallel guides being in parallel vertical planes which are separated and spaced

apart by a element 15b; a cage 5 movable on the first guides (Figs. 2, 3); a counterweight 9 movable on the second guides; an engine mount 21 fastened on top of the first and second guides (Fig. 3); and a drive on the mount. It is noted that Yoshikawa shows that the weight force of the drive, cage and counterweight are conducted to the floor exclusively through the guides (pg. 5, marked passage). Yoshikawa does not show that the first and second guides are discontinuously connected. Hein shows first and second guides connected vertically and horizontally discontinuously via connectors 34. It would have been obvious to one of ordinary skill in the art to modify the apparatus of Yoshikawa by separate guides discontinuously joined as taught by Hein in order to facilitate maintenance (e.g., if a length of second guide is damaged, it can be replaced without replacing the first guide.)

Claims 11, 12, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein as applied to claim 8 above, and further in view of Lane (5845745).

Yoshikawa in view of Hein shows all elements of the claim except a cable routed to an under side of the cage. Lane shows a cable connected to a connecting point 60 at the bottom of the elevator cage (see Fig. 1). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by routing the cable to the bottom of the elevator in order to minimize any angle error in the cable due to the longer length between the motor and the tie point.

As to claim 12, it is noted that Lane shows means for connecting the engine mount to the guides in a vibration-damped manner comprising damping material (35, 44 of Lane).

As to claim 15, it is noted that Yoshikawa in view of Hein and Lane shows a fastening bracket (32 of Lane) that forms a butt joint connection with the guide rails of the cage.

Claims 9, 12-17 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein as applied to claim 8 above, and further in view of Loiodice.

Yoshikawa in view of Hein shows all elements of the claim except the guides extending beyond the engine mount. Loiodice shows that the guide rails extend beyond engine mount 62 (see Fig. 6 and col. 4, lines 28-34). It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by extending the guides as taught by Loiodice in order to allow securing of the rails at their ends.

As to claim 12, Yoshikawa in view of Hein and Loiodice show all elements of the claim except mounting in a vibration damping manner. However, it old and well known in the art to mount engine brackets with vibration damping material. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by mounting the motor bracket in a vibration-damping manner in order to prevent vibrations from being transmitted to the car and the building.

As to claim 13, it is noted that Loiodice shows end plates 64 for fastening to the guide rails 60 and an engine bearer 62. It does not specifically disclose the connection

between the bearer and the end plates. However, it is old and well known in the art to connect such pieces by welding, a non-detachable joining method. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by welding the joints in order to provide a strong and rigid joining method.

As to claims 14 and 15, it is noted that Loiodice shows that end plates form a butt joint with the guide rails of the cage (see Fig. 6 and col. 4, lines 28-34).

As to claims 16 and 17, it is noted that Yoshikawa in view of Hein and Loiodice shows guides with mutually facing inner sides and mutually opposing outer sides, with the engine mount being mounted on the mutually opposed outer sides via the end plates.

As to claim 19, it is noted that Yoshikawa shows upper and lower guide shoes 16, 17 spaced apart to allow at least one of the counter weight and the drive engine to pass the elevator car.

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshikawa in view of Hein as applied to claim 8 above, and further in view of Ito (WO 98/18709).

Yoshikawa in view of Hein show all elements except cage followers located substantially at the top of the cage and the bottom of the cage, the cage being capable of vertical movement above and below the engine mount. Ito shows guides located substantially at the bottom and top of the cage, and shows that the car is capable of movement past the engine mount. It would have been obvious to one of ordinary skill in

the art to further modify the apparatus of Yoshikawa as taught by Ito in order to minimize overhead space required.

In the alternative, Yoshikawa in view of Hein and Ito show all elements except locating a guide substantially at the top of the car. However, it is notoriously old and well known in the art to do so. It would have been obvious to one of ordinary skill in the art to further modify the apparatus of Yoshikawa by providing such placement in order to provide a smoother ride due to the increased distance between the guides.

Response to Arguments

Applicant's arguments filed 6/14/2004 have been fully considered but they are not persuasive.

Applicants argue that there is no precise definition of how the engine mount is fixed to the rails in Yoshikawa. However, no elements of the connection are claimed, merely that it is connected.

With respect to the argument that the guides do not exclusively carry the "weight load", it is noted that the examiner has interpreted the "weight load" as meaning the vertical load imparted by the drive. Yoshikawa states that "*the* [emphasis added] vertical force and like" are supported by the guide rails, not that some portion of the force is supported by the rails.

Further, regarding the use of “exclusively” in describing the transmission of the force through the guides in the claims, it is noted that if the examiner were to interpret the phrase strictly, as applicant argues, a 112 1st enablement rejection would be required because the loads will be transferred to the wall of the shaft in the applicant's invention via the brackets attaching the guides to the walls at least due to friction in the brackets and if “weight load” is interpreted to mean all loads caused by the weight of the drive, significant horizontal loads will be transmitted through those brackets.

Applicant further argues that Yoshikawa does not show that “engine mount should be individually fastened to the first guides and to the second guides as well”, but this language is not claimed. Rather, mere connection to the guides is claimed and is shown by Yoshikawa.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven B. McAllister whose telephone number is (703) 308-7052. The examiner can normally be reached on M-Th 8-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert P. Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Steven B. McAllister

STEVE B. MCALLISTER
PRIMARY EXAMINER